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OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

EXTRAORDINARY

No. 2

Goa Legislature Secretariat

LA/LEGN/2021/826

The following bill which was introduced in the Legislative Assembly of the State of Goa on 28th July, 2021 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Town and Country Planning (Amendment) Bill, 2021

(Bill No. 28 of 2021)

A

BILL

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975).

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2021.

(2) It shall come into force at once.

2. *Amendment of long title.*— In the Goa, Daman and Diu Town and Country Planning

Act, 1974 (Act 21 of 1975) (hereinafter referred to as the "principal Act"), in the long title, for the expression "Union territory of Goa, Daman and Diu", the words "State of Goa" shall be substituted.

3. *Amendment of section 1.*— In section 1 of the principal Act,—

(i) in sub-section (1), the expression "Daman and Diu" shall be omitted;

(ii) for the words "Union territory", wherever they occur, the words "State of Goa" shall be substituted.

4. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) in clause (4), the expression "Daman and Diu" shall be omitted;

(ii) for clause (13), the following clause shall be substituted, namely:—

"(13) "Government" means the Government of Goa;"

(iii) clauses (30A) and (30B) shall be renumbered as clauses (30B) and (30C) respectively and before clause (30B) so renumbered, the following clause shall be inserted, namely:—

"(30A) "State" means the State of Goa;"

(iv) clause (31) shall be omitted;

(v) in clause (32), the expression " ,
Daman and Diu" shall be omitted.

5. *Amendment of section 4.*— In section 4
of the principal Act,—

(i) the expression "Daman and Diu",
wherever it occurs shall be omitted;

(ii) for the words "Union territory", the
word "State" shall be substituted.

6. *Amendment of sections 8, 9 and 110.*—
In sections 8, 9 and 110 of the principal Act,
for the words "Union territory", wherever
they occur, the words "State of Goa" shall
be substituted.

7. *Amendment of section 44.*— In section
44 of the principal Act, in sub-section (2), in
clause (a), for the words "Union territory",
the word "State" shall be substituted.

8. *Amendment of sections 64 and 140.*— In
sections 64 and 140 of the principal Act, for
the words "Legislative Assembly of the Union
territory" wherever they occur, the words
"Legislative Assembly of Goa" shall be
substituted.

Statement of Objects and Reasons

The Goa, Daman and Diu Town and
Country Planning Act, 1974 (Act 21 of 1975)
(hereinafter referred to as the "said Act")
was enacted by the Legislative Assembly of
Goa, Daman and Diu when Goa was part of
the Union Territory of Goa, Daman and Diu.
After enactment of the Goa, Daman and Diu
Reorganization Act, 1987 (Central Act 18 of
1987), the new State of Goa as also the new
Union Territory of Daman and Diu were
formed. After Goa attained Statehood the said
remained in force and it is now proposed to
omit the expressions "Daman and Diu" and
"Union territory" from the said Act.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in
this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in
this Bill.

Porvorim, Goa.
22nd July, 2021.

CHANDRAKANT KAVLEKAR
Dy. Chief Minister/
Minister for Town &
Country Planning.

Assembly Hall,
Porvorim, Goa.
22nd July, 2021.

NAMRATA ULMAN,
Secretary to the
Legislative Assembly of Goa.

LA/LEGN/2021/851

The following bill which was introduced
in the Legislative Assembly of the State of
Goa on 29th July, 2021 is hereby published
for general information in pursuance of Rule-
138 of the Rules of Procedure and Conduct
of Business of the Goa Legislative Assembly.

The Goa Mineral Development Corporation Bill, 2021

(Bill No. 36 of 2021)

A

BILL

*to establish a Corporation to carry out mining
operation in an orderly, scientific and
ecological sustainable manner and for
matters connected therewith or incidental
thereto.*

Be it enacted by the Legislative Assembly
of Goa in the Seventy-second Year of the
Republic of India as follows:—

1. *Short title, extent and commencement.*—
(1) This Act may be called the Goa Mineral
Development Corporation Act, 2021.

(2) It shall extend to the whole of the State
of Goa.

(3) It shall come into force on such date as
the Government may, by notification in the
Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Board" means the Board of Directors of the Corporation;

(b) "Chairperson" means the Chairperson of the Corporation;

(c) "Corporation" means the Goa Mineral Development Corporation established under section 3 of this Act;

(d) "Director" means a Director of the Corporation;

(e) "Government" means the Government of Goa;

(f) "mining lease" means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;

(g) "mining operations" means any operations undertaken for the purpose of winning any mineral;

(h) "Official Gazette" means Official Gazette of the State;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "prospecting license" means a license granted for the purpose of undertaking prospecting operations;

(k) "rules" means rules made under this Act;

(l) "regulations" means regulations made under this Act;

(m) "State" means the State of Goa.

3. *Establishment and incorporation.*—

(1) For the purpose of carrying out mining operations and allied activities in an orderly, scientific and ecological sustainable manner, there shall be established by the Government, by notification in the Official Gazette, a Corporation by the name of the Goa Mineral Development Corporation.

(2) The said Corporation shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its

corporate name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) The Head Office of the Corporation shall be at Panaji, Goa, or at any place as may be directed by the Government.

4. *Constitution.*— (1) The Chief Minister of the State shall be the Chairperson of the Corporation and it shall consist of the following other Directors, namely:—

(i) Secretary to the Government of Goa, Mines Department;

(ii) Secretary to the Government of Goa, Finance Department, or his nominee not below the rank of Additional Secretary from Finance Department;

(iii) Director of Mines;

(iv) A law graduate having experience of handling matters related to mining to be nominated by the Government;

(v) Two Chartered Accountants having an experience of ten years or more, to be nominated by the Government;

(vi) A Geologist to be nominated by the Government;

(vii) Secretary to the Government of Goa, Department of Environment and Climate Change.

(viii) Managing Director of the Corporation who shall be the Ex-Officio Secretary to the Corporation.

5. *Managing Director.*— (1) The Managing Director shall be appointed by the Government.

(2) The Managing Director shall,—

(a) be a whole time officer of the Corporation;

(b) perform such duties and functions as may be specified or as may be assigned to him;

(c) hold office for a term of three years from the date of his appointment and shall remain

in office thereafter for three months or until a successor in that office is appointed, whichever is earlier;

(d) receive such salary and allowances as may be prescribed;

(e) divest himself of any directorship of, or other interest held by him in, any other Corporation, Company or concern; and

(f) not become a Director of, or acquire any share or other interest in any other Corporation, Company or concern during his term of office:

Provided that nothing in this section shall prevent the Managing Director from holding shares in any public company acquired by him before this appointment but he shall declare such shares to the Government at the time of his appointment:

Provided further that the Government may, in exceptional circumstances, where it considers necessary to do so, exempt by a special order any person who has been appointed or is about to be appointed as Managing Director from the application of this section.

(2) Nothing in this section shall preclude the Government from extending the term of office of a Managing Director for such period as the Government may determine.

6. Disqualification of Managing Director and/or Director.— A person shall be disqualified for being nominated/appointed as a Director or Managing Director of the Corporation, if he —

(a) is, or at any time has been, convicted of any offence involving moral turpitude; or

(b) is, or at any time has been, disqualified for appointment in, or dismissed from, Government service; or

(c) is, or at any time has been, adjudged insolvent; or

(d) is of unsound mind and stands so declared by a Competent Court; or

(e) is not a citizen of India; or

(f) is less than twenty five years of age.

7. Removal of Managing Director and/or Directors.— The Government may, by order in writing, remove the Managing Director or a Director, as the case may be, after giving him an opportunity of being heard if he,—

(a) refuses to act or fails to discharge or becomes, in the opinion of the Government, incapable of discharging his responsibilities under this Act;

(b) has, in the opinion of the Government, abused his position as Managing Director or Director which has rendered his continuance on the Corporation detrimental to the interest thereof or of the general public; or

(c) is otherwise unfit to continue as a Managing Director or Director;

(d) has knowingly acquired or continued to hold, without the permission in writing of Government directly or indirectly, or through a partner any share or interest in any contract or employment with, or on behalf of the Corporation or in any property, which he knows is likely to benefit or has benefited him as a result of the operation of the Corporation.

8. Resignation by or removal of Managing Director or Directors.— Notwithstanding anything contained in this Act, the Managing Director or a Director, at any time before the expiry of his term and upon three months' notice, resign his office, or upon similar notice, be removed from office by the Government without assigning any reason:

Provided that Government may, upon payment of three months' salary and allowances in lieu of the notice, remove the Managing Director immediately without assigning any reason.

9. Appointment of officers.— The Corporation may appoint such officers, advisers, experts, consultants and other employees, as it considers necessary for the efficient performance of its functions under this Act on such terms and conditions as it may deem fit, subject to such general or special directions as the Government may give from time to time in this behalf.

10. *Financial, technical and advisory committees.*— The Corporation may constitute such financial, technical and advisory committees to advise the Corporation as may be deemed necessary for carrying out the purposes of this Act. The Corporation may engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions.

11. *Meetings of Board.*— (1) The Board shall meet at such time and places and shall, subject to the provisions of sub-section (2) observe such rules or procedure in regard to the transaction of its business as may be provided by the regulations made under this Act.

(2) A Director, Chairperson or the Managing Director who is directly or indirectly concerned or is interested in any of the resolutions or decisions shall abstain himself from such discussion or decision when such subject matter is taken up for discussion or decision:

Provided that when the Chairperson is required to abstain as aforesaid, the meetings shall be chaired by any other Director to be appointed by majority in such meeting, when discussing or taking decision on such subject.

(3) The quorum required for transaction of the business at the meeting of the Board shall be three.

(4) In the event of equality of vote, the Chairperson shall have the casting vote.

(5) The meetings of the Board shall be presided over by the Chairperson and in his absence by a Director elected for the purpose by the Directors present from amongst themselves.

(6) No act or proceedings of the Board shall be invalid merely on the ground of existence of any vacancy in the Board.

(7) The minutes of every meeting of the Board, stating among other things, the names of the Directors present, shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the person presiding over the meeting and such book shall, at all reasonable times and without payment of any fee, be open for inspection to the Directors.

12. *Management and administration.*— (1) The management and administration of the Corporation and its affairs shall vest in the Board which may exercise all powers and do all acts which may be necessary for the purposes of this Act.

(2) The Board in discharge of its functions shall act after considering welfare of the public and commercial aspects and shall follow such directions as the Government may give from time to time.

(3) If the Board fails to obey any directions mentioned in sub-section (2) or if the Board, its Managing Director or any Director contravenes the provisions of this Act or of the rules or regulations made thereunder or if the Managing Director or any Director is found guilty of misconduct, Government may remove all or any of the Directors or the Managing Director, as the case may be, and notwithstanding anything to the contrary contained in sections 5 and 6, appoint temporarily other persons in their place to be the Directors or the Managing Director, as the case may be, until new Directors are appointed in accordance with the provisions of section 5 or a new Managing Director is appointed in accordance with the provisions of section 6; provided that only the provisions of clauses (a), (b), (d) and (e) of sub-section (2) of section 6 shall apply to the person appointed temporarily under this sub-section to be the Managing Director.

(4) The Government may suspend the execution of any resolution or order of the Board as in the opinion of Government contravenes the provisions of this Act, the Rules and Regulations framed under this Act, or the directions mentioned in sub-section (2), or prohibit the doing of any act which is to be done or is being done in pursuance of such resolution or order, or if the act has been accomplished, order its rectification in such manner as may be directed.

13. *Submission of returns, statements, etc. to the Government.*— (1) The Government may require the Managing Director to furnish to it –

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Corporation; or

(b) a report on any such matter; or

(c) a copy of any document in his charge, and

the Managing Director shall comply with any such requisitions without any undue delay.

(2) The Managing Director shall prepare and submit a quarterly report to the Board.

14. Power of Board to associate other persons.— (1) The Board may associate with itself, in such manner, on such terms and for such period as it may deem fit, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated under sub-section (1) for any purpose shall have the right to take part in the discussion relating to such purpose in the meetings of the Board, but shall not have the right to vote, and shall not be deemed to be a Director for that or any other purpose.

15. Functions of the Corporation.— (1) The Corporation shall obtain mining leases/grants, prospecting licenses, etc. under the Mines and Mineral Development and Regulation Act, 1957 (Act 67 of 1957) and carry out all mining operations in accordance with the said Act.

(2) The Corporation shall also carry out mining operations for the State under MMDR Act.

(3) The Corporation shall carry out business relating to the mining dumps, transportation, extraction of ore, export of ore and mining rejects, slurries, tailings, etc. as may be directed by the Government from time to time. The Corporation shall also participate in the auction related to mining lease/prospecting licence as and when Government auctions such mining leases/prospecting licenses.

(4) The Corporation shall be entitled to enter into any contracts, agreements, memorandum of understandings, etc. for engaging entities for the purpose of carrying out mining

operations as it may consider necessary or expedient or any other business connected therewith in accordance with this Act.

(5) The Corporation shall be entitled to publicly auction, sell the ore which is extracted or which may be otherwise required to be sold by the Corporation, on such terms and conditions as it may deem fit.

(6) The Corporation shall also carry out such other activities as may be directed by the Government from time to time.

16. The authentication of orders and documents of the Corporation.— All the permissions, orders, other documents of the Corporation shall be authenticated by the signature of the Managing Director or any other Officer authorized by the Corporation in this behalf. The Government may issue to the Corporation such general or special directions as to the Policy, as it may think necessary or expedient for the purpose of carrying out the purposes of this Act and the Corporation shall be bound to follow and act upon such directions.

17. Application of Corporation's assets.— All property, funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Act.

18. Corporation's fund.— (1) The Corporation shall have and maintain its own fund, to which shall be credited,—

(a) all monies received by the Corporation by way of grants, subventions, interest, profits, loans, advances or otherwise;

(b) all monies received by the Corporation from the mining business and other allied activities.

(c) all monies received by the Corporation by way of royalties, rents and profits, or in any other manner or from any other source including the proceeds of any loan authorized by section 20.

(2) The Corporation may keep in current or in deposit account with the State Bank of India or any other Public Sector Bank approved by

the Government in this behalf such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be authorized by it by regulations made in this behalf.

19. *Grants, subventions, loans, advances and capital contribution to the Corporation.*— The Government may, after due appropriation made by the State Legislature by any law in this behalf, make such grants, subventions, loans and advances and capital contributions to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act; and all grants, subventions, loans, advances and capital contribution made shall be on such terms and conditions as the Government may determine.

20. *Power of the Corporation to borrow.*— The Corporation may, subject to such conditions as may be prescribed in this behalf borrow money in the open market or otherwise with a view to providing itself with adequate resources, subject to prior approval of the Government.

21. *Reserve and other funds.*— (1) The Corporation shall make provision for such reserve and other specially denominated funds as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the Government.

22. *Expenditure from funds.*— The Corporation shall have the authority to spend such sums as it thinks fit for the purposes

authorised under this Act from and out of the general fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 21, as the case may be.

23. *Budget and programme of work.*— (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that, all such variations and re-appropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the Government.

24. *Accounts and audit.*— (1) The Corporation shall maintain books of accounts and other books in relation to its business and transaction in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Government, in the prescribed manner.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof with a copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislative Assembly.

25. *Concurrent and special audit of accounts.*— (1) Notwithstanding anything contained in section 24, the Government may

order that there shall be concurrent audit of the accounts of the Corporation by such persons as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transaction or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

26. *Recovery of sums due to the Corporation as arrears of land revenue.*— All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

27. *Dissolution of Corporation.*— (1) Where the Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved, so as to render the continued existence of the Corporation in the opinion of the Government unnecessary, the Government may by notification in the Official Gazette declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation, shall be deemed to be dissolved accordingly.

(2) From the said date,—

(a) all properties, funds and dues which are vested in, or realisable by the Corporation, shall vest in, or be realisable by, the Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

28. *Power to make rules.*— (1) The Government may, after consultation with the Corporation in regard to the matters

concerning it, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) under clause (d) of sub-section (2) of section 5, the salary and allowances of the Managing Director of the Corporation;

(b) under section 18, the sums of money to be kept by the Corporation in Current and deposit accounts;

(c) under section 20, subject to prior approval of the Government;

(d) under section 23, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the Government and the form and manner of preparing such statement;

(e) under section 24, the form and manner of maintaining books and other books of accounts; and manner of auditing accounts;

(f) any other matter which has to be, or may be, prescribed by the rules.

29. *Power to make regulations.*— The Corporation may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder to carry out, the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for:—

(a) under section 18(3), the Officer of the Corporation who may operate its accounts:

(b) under section 28, the manner in which Government lands shall be dealt with by the Corporation after development.

30. *Rules and regulations to be published in the Official Gazette.*— All rules and regulations made under this Act shall be published in the Official Gazette.

31. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made there under.

32. *Notice to suit and limitation of suits against Corporation, Committees, Officers and servant for acts done in pursuance of execution of this Act.*— (1) No suit shall lie against the Corporation or against any committee constituted under this Act, or against any Officer, or servant of the Corporation in respect of any act done in pursuance or execution or intending execution of this Act, or in respect of any alleged neglect, or default in the execution of this Act,—

(a) unless it is commenced within six months after the accrual of the cause of action; and

(b) until the expiration of two months after the notice in writing has been in the case of the Corporation or its Committee, delivered or left at the Corporation's office and in the case of an Officer or servant of Corporation, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Corporation, be made from the Corporation funds.

33. *Members, officers and staff of Corporation to be public servants.*— All officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

34. *Power to remove doubts and difficulties.*— If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of doubt or difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the commencement of this Act.

Statement of Objects and Reasons

The Bill seeks to provide for establishment of a Corporation to carry out mining operations in an orderly, scientific and ecological sustainable manner and for matters connected therewith or incidental thereto.

This Bill seeks to achieve the above objects.

Financial Memorandum

Clause 5(2)(d) of the Bill provides that the Managing Director shall receive such salary and allowances as may be prescribed.

Clause 8 of the Bill provides for resignation of the Managing Director at any time before the expiry of his term upon three months' notice or upon similar notice, be removed by the Government without assigning any reason provided that Government may, upon payment of three months, salary and allowances in lieu of the notice, remove the Managing Director immediately without assigning any reason.

Clause 9 of the Bill empowers the Corporation to appoint such officers, advisers, experts, consultants and other employees, as it considers necessary for the efficient performance of its functions.

Clause 10 of the Bill empowers the Corporation to engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions.

The establishment of the Corporation will involve financial implications towards capital expenditure (infrastructure), salaries, office expenses, approximately to a tune of Rs. 5 Crores.

Memorandum Regarding Delegated
Legislation

Clause 1(3) of the Bill empowers the Government to appoint a date, by notification in the Official Gazette, for bringing into force the Act.

Clause 5(2) of the Bill empowers the Government to frame rules for prescribing the manner in which the Managing Director shall receive the salary and the allowances.

Clause 18(2) of the Bill empowers the Government to frame rules for prescribing such sum of money out of Corporation's fund to be kept in current or in deposit account.

Clause 20 of the Bill empowers the Government to frame rules for prescribing conditions for borrowing money by the Corporation in the open market.

Clause 23(1) of the Bill empowers the Government to frame rules for prescribing such date in each year by which the Corporation shall prepare and submit annual financial statement and the programme of work for the succeeding financial year.

Clause 23(2) of the Bill empowers the Government to frame rules for prescribing the form for showing estimated receipts and expenditure.

Clause 24(1) of the Bill empowers the Government to frame rules for prescribing the form and manner in which the Corporation shall maintain the books of accounts.

Clause 24(2) of the Bill empowers the Government to frame rules for prescribing the manner in which the accounts of the Corporation shall be audited.

These delegations are of normal character.

Porvorim, Goa,
28th July, 2021.

DR. PRAMOD SAWANT
Mines Minister/
Chief Minister

Assembly Hall,
Porvorim—Goa.
28th July, 2021.

NAMRATA ULMAN
Secretary to the
Legislative Assembly of Goa.

Governor's Recommendation under Article
207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai Governor of Goa, hereby recommend the introduction and consideration of the Goa Mineral Development Corporation Bill, 2021, by the Legislative Assembly of Goa.

LA/LEGN/2021/859

The following bill which was introduced in the Legislative Assembly of the State of Goa on 29th July, 2021 is hereby published for general information in pursuance of Rule—138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Public Lighting Duty
Bill, 2021

(Bill No. 48 of 2021)

A

BILL

to provide for the levy and collection of public lighting duty on the electricity consumers in the State of Goa so as to create new infrastructure for public lighting and to operate and maintain public lighting owned by Electricity Department and other Government Departments in the entire State of Goa and for the matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of Republic of India as follows:—

1. *Short title, extent and commencement.*—
(1) This Act may be called the Goa Public Lighting Duty Act, 2021.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Consumer" means the owner or occupier of the premises which is for the time being connected for supply of energy with the distribution system in the State of Goa;

(b) "Department" means the Electricity Department Goa of the Government;

(c) "duty" means public lighting duty;

(d) "energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;

(e) "Government" means the Government of Goa;

(f) "notification" means a notification published in the Official Gazette of the Government;

(g) "Official Gazette" means the Official Gazette of the Government;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "public lighting" means illumination of streets and public places except facade illumination;

(j) "tariff order" means the order issued by the Joint Electricity Regulatory Commission for a particular year;

3. *Duty on units of energy consumed.*— (1) There shall be levied and collected a duty at such rate as may be notified by the Government by notification in the Official Gazette:

Provided that no duty shall be leviable on the units of energy consumed by the Government (save in respect of premises used for residential purposes).

(2) The duty levied under this section shall be in addition to taxes, duties and cess levied under any other law for the time being in force.

4. *Payment of duty.*— (1) Every consumer shall pay the duty to the Government at such time and in such manner as may be prescribed.

(2) Where any person fails or neglects to pay the duty, at the time and in the manner as prescribed, the Department may, without prejudice to its right to recover the amount under section 6, deduct such amount of duty from the amount, if any, deposited by the consumer with the Department and if such amount cannot be realized then, after giving not less than fifteen clear days' notice in writing to such person, cut off the supply of energy to such person; and the Department may, for that purpose, exercise the powers conferred on a licensee by sub-section (1) of section 56 of the Electricity Act, 2003 (Central Act 36 of 2003), for recovery of duty from such person.

5. *Crediting proceeds of duty.*— The proceeds of the duty collected under section 3 of this Act shall be credited to the Government treasury and shall be utilised by the Department to create infrastructure for, and maintain, public lighting and to settle the bills towards the energy consumed for the public lighting, in the State of Goa.

6. *Recoveries.*— Any sum due on account of duty, if not paid at the time and in the manner prescribed, shall be deemed to be in arrears, and thereupon, interest on such sum shall be payable at such rate as notified in the tariff order till such sum is paid; and the sum together with any interest thereon, shall be recoverable either through a civil court or as arrears of land revenue.

7. *Vesting of existing public lighting infrastructure in the Department.*— On and from the date of commencement of this Act the existing public lighting infrastructure in the State of Goa shall be under the control of the Department and all other Government Departments and Government corporations and urban and rural local bodies, etc. shall hand over its maintenance to the Department within a period of one month from the date of such commencement.

8. *Inspecting Officer.*— (1) Any Officer of the Department not below the rank of an Assistant Engineer as notified by the Government by notification in the Official

Gazette shall be Inspecting Officer for the purposes of this Act.

(2) Every such Inspecting Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

9. *Power to make Rules.*— The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

10. *Other Laws not affected.*— The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

11. *Power to remove of difficulties.*— (1) If any difficulty arises in giving effect to any provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the State Legislature.

12. *Amendment of certain Acts.*— Save as otherwise provided in this Act, on and from the date of commencement of this Act—

(i) in the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994); in section 153, in sub-section (3), clause (i) shall be omitted;

(ii) in the Goa Municipalities Act, 1968 (Act 7 of 1969), in section 101, in sub-section (2), clause (c) shall be omitted.

Statement of Objects and Reason

The Panchayats and Municipality bodies were maintaining the public street lights in their respective Jurisdiction. From 1985 Electricity Department took over the maintenance of streetlights in entire state of

Goa as the local bodies could not maintain and upkeep the streetlights.

As per Electricity Supply Code 2018, local bodies Village Panchayat, Municipalities, etc. have to bear full cost of arranging power supply to Public streetlights and install Electric Network and operate, maintain and replace streetlight fitting and Department may carry out maintenance/replacement of fixtures on payment basis and therefore the entire service is chargeable. Any expenditure incurred by Electricity Department Goa (EDG) on streetlights including extension of network and electricity bills is not allowed by Regulatory Commission to be recovered through tariff.

At present the energy bill and maintenance in Panchayat and Municipality areas are paid by Electricity Department through budget allocation. Most of local bodies are not in position to bear full cost of extension of streetlight and maintenance of public lights through their fund, thereby public suffers at large.

Various Government Departments have installed Public Streetlight as part of their projects through their own fund but no maintenance is undertaken due to lack of funds, non-functioning of the same reflects on Electricity Department, and Public is put to hardship since the streetlights are not functional.

To overcome the above issue and with aim to streamline public streetlights, the bill for 'Goa Public Lighting Duty Act, 2021' has been proposed.

This Bill seeks to achieve the following objectives—

To levy Public Lighting Duty on energy consumed as per the rates notified by the Government for—

i. To erect public infrastructure for public lighting and install streetlights.

ii. To operate and maintain and upkeep all existing streetlights provided to illuminate streets and public places in Municipality and Panchayat areas in entire Goa.

iii. To pay the energy bills of public streetlights in entire state of Goa.

iv. To operate, maintain and upkeep all streetlights and public lights at all places presently maintained by other Government Departments and to erect the infrastructure and streetlights on their request.

Financial Memorandum

By levying Public Lighting Duty as proposed in the bill the Government will earn annual revenue which will be utilised to erect, operate and maintain public lights.

Memorandum Regarding Delegated Legislation

Clause 1 (3) of the Bill empowers the Government to issue notification for appointing a date for bringing the Act into force.

Clause 3 of the Bill empowers the Government to issue notification for levy and collection of a duty at such rate as may be notified by the Government.

Clause 8 of the Bill empowers the Government to notify Inspecting Officer.

Clause 9 of the Bill empowers the Government to frame rules to carry out provisions of the Act.

Clause 11 of the Bill empowers the Government to remove difficulties.

Assembly Hall,
Porvorim, Goa.
29th July, 2021.

NILESH CABRAL
Minister for Power.

Assembly Hall,
Porvorim, Goa.
29th July, 2021.

(NAMRATA ULMAN)
Secretary to the
Legislative Assembly of Goa.

Governor's Recommendation under article 207 of the Constitution of India

In pursuance of article 207 of the Constitution of India, I, P. S. Sreedharan Pillai,

Governor of Goa, hereby recommend the introduction and consideration of The Goa Public Lighting Duty Bill, 2021, by the Legislative Assembly of Goa.

P. S. SREEDHARAN PILLAI
Governor of Goa.



Department of Law

Legal Affairs Division

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Notification

7/21/2021-LA

The Goa Town and Country Planning (Amendment) Act, 2021 (Goa Act 27 of 2021), which has been passed by the Legislative Assembly of Goa on 29-07-2021 and assented to by the Governor of Goa on 08-09-2021, is hereby published for the general information of the public.

Pooja D. Phadte, Joint Secretary (Law).

Porvorim, 15th September, 2021.

The Goa Town and Country Planning (Amendment) Act, 2021

(Goa Act 27 of 2021) [08-09-2021]

AN

ACT

further to amend the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act No. 21 of 1975).

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Town and Country Planning (Amendment) Act, 2021.

(2) It shall come into force at once.

2. *Amendment of long title.*— In the Goa, Daman and Diu Town and Country Planning Act, 1974 (Act 21 of 1975) (hereinafter referred to as the "principal Act"), in the long

title, for the expression "Union territory of Goa, Daman and Diu", the words "State of Goa" shall be substituted.

3. *Amendment of section 1.*— In section 1 of the principal Act,—

(i) in sub-section (1), the expression ", Daman and Diu" shall be omitted;

(ii) for the words "Union territory", wherever they occur, the words "State of Goa" shall be substituted.

4. *Amendment of section 2.*— In section 2 of the principal Act,—

(i) in clause (4), the expression ", Daman and Diu" shall be omitted;

(ii) for clause (13), the following clause shall be substituted, namely:—

"(13) "Government" means the Government of Goa;"

(iii) clauses (30A) and (30B) shall be renumbered as clauses (30B) and (30C) respectively and before clause (30B) so renumbered, the following clause shall be inserted, namely:—

"(30A) "State" means the State of Goa;"

(iv) clause (31) shall be omitted;

(v) in clause (32), the expression " , Daman and Diu" shall be omitted.

5. *Amendment of section 4.*— In section 4 of the principal Act,—

(i) the expression ",Daman and Diu", wherever it occurs shall be omitted;

(ii) for the words "Union territory", the word "State" shall be substituted.

6. *Amendment of sections 8, 9 and 110.*— In sections 8, 9 and 110 of the principal Act, for the words "Union territory", wherever they occur, the words "State of Goa" shall be substituted.

7. *Amendment of section 44.*— In section 44 of the principal Act, in sub-section (2), in clause (a), for the words "Union territory", the word "State" shall be substituted.

8. *Amendment of sections 64 and 140.*— In sections 64 and 140 of the principal Act, for

the words "Legislative Assembly of the Union territory" wherever they occur, the words "Legislative Assembly of Goa" shall be substituted.

Secretariat

Porvorim, Goa.

Dated: 15-09-2021.

CHOKHA RAM GARG

Secretary to the

Government of Goa

Law Department

(Legal Affairs).

Notification

7/29/2021-LA

The Goa Public Lighting Duty Act, 2021 (Goa Act 25 of 2021), which has been passed by the Legislative Assembly of Goa on 30-07-2021 and assented to by the Governor of Goa on 08-09-2021, is hereby published for the general information of the public.

Pooja D. Phadte, Joint Secretary (Law).

Porvorim, 15th September, 2021.

The Goa Public Lighting Duty
Act, 2021

(Goa Act 25 of 2021) [08-09-2021]

AN

ACT

to provide for the levy and collection of public lighting duty on the electricity consumers in the State of Goa so as to create new infrastructure for public lighting and to operate and maintain public lighting owned by Electricity Department and other Government Departments in the entire State of Goa and for the matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Goa in the Seventy-second Year of Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Public Lighting Duty Act, 2021.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Consumer" means the owner or occupier of the premises which is for the time being connected for supply of energy with the distribution system in the State of Goa;

(b) "Department" means the Electricity Department Goa of the Government;

(c) "duty" means public lighting duty;

(d) "energy" means electrical energy when generated, transmitted, supplied or used for any purpose except the transmission of a message;

(e) "Government" means the Government of Goa;

(f) "notification" means a notification published in the Official Gazette of the Government;

(g) "Official Gazette" means the Official Gazette of the Government;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "public lighting" means illumination of streets and public places except facade illumination;

(j) "tariff order" means the order issued by the Joint Electricity Regulatory Commission for a particular year;

3. *Duty on units of energy consumed.*— (1) There shall be levied and collected a duty at such rate as may be notified by the Government by notification in the Official Gazette:

Provided that no duty shall be leviable on the units of energy consumed by the Government (save in respect of premises used for residential purposes).

(2) The duty levied under this section shall be in addition to taxes, duties and cess levied under any other law for the time being in force.

4. *Payment of duty.*— (1) Every consumer shall pay the duty to the Government at such time and in such manner as may be prescribed.

(2) Where any person fails or neglects to pay the duty, at the time and in the manner as prescribed, the Department may, without prejudice to its right to recover the amount under section 6, deduct such amount of duty from the amount, if any, deposited by the consumer with the Department and if such amount cannot be realized then, after giving not less than fifteen clear days' notice in writing to such person, cut off the supply of energy to such person; and the Department may, for that purpose, exercise the powers conferred on a licensee by sub-section (1) of section 56 of the Electricity Act, 2003 (Central Act 36 of 2003), for recovery of duty from such person.

5. *Crediting proceeds of duty.*— The proceeds of the duty collected under section 3 of this Act shall be credited to the Government treasury and shall be utilised by the Department to create infrastructure for, and maintain, public lighting and to settle the bills towards the energy consumed for the public lighting, in the State of Goa.

6. *Recoveries.*— Any sum due on account of duty, if not paid at the time and in the manner prescribed, shall be deemed to be in arrears, and thereupon, interest on such sum shall be payable at such rate as notified in the tariff order till such sum is paid; and the sum together with any interest thereon, shall be recoverable either through a civil court or as arrears of land revenue.

7. *Vesting of existing public lighting infrastructure in the Department.*— On and from the date of commencement of this Act the existing public lighting infrastructure in the State of Goa shall be under the control of the Department and all other Government Departments and Government corporations and urban and rural local bodies, etc. shall hand over its maintenance to the Department within a period of one month from the date of such commencement.

8. *Inspecting Officer.*— (1) Any Officer of the Department not below the rank of an Assistant Engineer as notified by the Government by notification in the Official Gazette shall be Inspecting Officer for the purposes of this Act.

(2) Every such Inspecting Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

9. *Power to make Rules.*— The Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

10. *Other Laws not affected.*— The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

11. *Power to remove of difficulties.*— (1) If any difficulty arises in giving effect to any provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act or the rules made thereunder, as may be necessary or expedient for the purpose of removing the said difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before the State Legislature.

12. *Amendment of certain Acts.*— Save as otherwise provided in this Act, on and from the date of commencement of this Act—

(i) in the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994); in section 153, in sub-section (3), clause (i) shall be omitted;

(ii) in the Goa Municipalities Act, 1968 (Act 7 of 1969), in section 101, in sub-section (2), clause (c) shall be omitted.

Secretariat
Porvorim, Goa.
Dated: 15-09-2021.

CHOKHA RAM GARG
Secretary to the
Government of Goa
Law Department
(Legal Affairs).

Notification

7/34/2021-LA

The Goa Mineral Development Corporation Act, 2021 (Goa Act 26 of 2021), which has been passed by the Legislative Assembly of Goa on 30-07-2021 and assented to by the Governor of Goa on 08-09-2021, is hereby published for the general information of the public.

Pooja D. Phadte, Joint Secretary (Law).

Porvorim, 15th September, 2021.

The Goa Mineral Development Corporation Act, 2021

(Goa Act 26 of 2021) [08-09-2021]

AN

ACT

to establish a Corporation to carry out mining operation in an orderly, scientific and ecological sustainable manner and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Seventy- second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Mineral Development Corporation Act, 2021.

(2) It shall extend to the whole of the State of Goa.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) "Board" means the Board of Directors of the Corporation;

(b) "Chairperson" means the Chairperson of the Corporation;

(c) "Corporation" means the Goa Mineral Development Corporation established under section 3 of this Act;

(d) "Director" means a Director of the Corporation;

(e) "Government" means the Government of Goa;

(f) "mining lease" means a lease granted for the purpose of undertaking mining operations, and includes a sub-lease granted for such purpose;

(g) "mining operations" means any operations undertaken for the purpose of winning any mineral;

(h) "Official Gazette" means Official Gazette of the State;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "prospecting license" means a license granted for the purpose of undertaking prospecting operations;

(k) "rules" means rules made under this Act;

(l) "regulations" means regulations made under this Act;

(m) "State" means the State of Goa.

3. *Establishment and incorporation.*—

(1) For the purpose of carrying out mining operations and allied activities in an orderly, scientific and ecological sustainable manner, there shall be established by the Government, by notification in the Official Gazette, a Corporation by the name of the Goa Mineral Development Corporation.

(2) The said Corporation shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and do all things necessary for the purposes of this Act.

(3) The Head Office of the Corporation shall be at Panaji, Goa, or at any place as may be directed by the Government.

4. *Constitution.*— (1) The Chief Minister of the State shall be the Chairperson of the

Corporation and it shall consist of the following other Directors, namely:—

(i) Secretary to the Government of Goa, Mines Department;

(ii) Secretary to the Government of Goa, Finance Department, or his nominee not below the rank of Additional Secretary from Finance Department;

(iii) Director of Mines;

(iv) A law graduate having experience of handling matters related to mining to be nominated by the Government;

(v) Two Chartered Accountants having an experience of ten years or more, to be nominated by the Government;

(vi) A Geologist to be nominated by the Government;

(vii) Secretary to the Government of Goa, Department of Environment and Climate Change.

(viii) Managing Director of the Corporation who shall be the Ex-Officio Secretary to the Corporation.

5. *Managing Director.*— (1) The Managing Director shall be appointed by the Government.

(2) The Managing Director shall,—

(a) be a whole time officer of the Corporation;

(b) perform such duties and functions as may be specified or as may be assigned to him;

(c) hold office for a term of three years from the date of his appointment and shall remain in office thereafter for three months or until a successor in that office is appointed, whichever is earlier;

(d) receive such salary and allowances as may be prescribed;

(e) divest himself of any directorship of, or other interest held by him in, any other Corporation, Company or concern; and

(f) not become a Director of, or acquire any share or other interest in any other

Corporation, Company or concern during his term of office:

Provided that nothing in this section shall prevent the Managing Director from holding shares in any public company acquired by him before this appointment but he shall declare such shares to the Government at the time of his appointment:

Provided further that the Government may, in exceptional circumstances, where it considers necessary to do so, exempt by a special order any person who has been appointed or is about to be appointed as Managing Director from the application of this section.

(2) Nothing in this section shall preclude the Government from extending the term of office of a Managing Director for such period as the Government may determine.

6. *Disqualification of Managing Director and/or Director.*— A person shall be disqualified for being nominated/appointed as a Director or Managing Director of the Corporation, if he —

(a) is, or at any time has been, convicted of any offence involving moral turpitude; or

(b) is, or at any time has been, disqualified for appointment in, or dismissed from, Government service; or

(c) is, or at any time has been, adjudged insolvent; or

(d) is of unsound mind and stands so declared by a Competent Court; or

(e) is not a citizen of India; or

(f) is less than twenty five years of age.

7. *Removal of Managing Director and/or Directors.*— The Government may, by order in writing, remove the Managing Director or a Director, as the case may be, after giving him an opportunity of being heard if he,—

(a) refuses to act or fails to discharge or becomes, in the opinion of the Government, incapable of discharging his responsibilities under this Act;

(b) has, in the opinion of the Government, abused his position as Managing Director or Director which has rendered his continuance on the Corporation detrimental to the interest thereof or of the general public; or

(c) is otherwise unfit to continue as a Managing Director or Director;

(d) has knowingly acquired or continued to hold, without the permission in writing of Government directly or indirectly, or through a partner any share or interest in any contract or employment with, or on behalf of the Corporation or in any property, which he knows is likely to benefit or has benefited him as a result of the operation of the Corporation.

8. *Resignation by or removal of Managing Director or Directors.*— Notwithstanding anything contained in this Act, the Managing Director or a Director, at any time before the expiry of his term and upon three months' notice, resign his office, or upon similar notice, be removed from office by the Government without assigning any reason:

Provided that Government may, upon payment of three months' salary and allowances in lieu of the notice, remove the Managing Director immediately without assigning any reason.

9. *Appointment of officers.*— The Corporation may appoint such officers, advisers, experts, consultants and other employees, as it considers necessary for the efficient performance of its functions under this Act on such terms and conditions as it may deem fit, subject to such general or special directions as the Government may give from time to time in this behalf.

10. *Financial, technical and advisory committees.*— The Corporation may constitute such financial, technical and advisory committees to advise the Corporation as may be deemed necessary for carrying out the purposes of this Act. The Corporation may engage suitable consultants or persons having special knowledge or skill to assist the Corporation in the performance of its functions.

11. *Meetings of Board.*— (1) The Board shall meet at such time and places and shall, subject to the provisions of sub-section (2) observe such rules or procedure in regard to the transaction of its business as may be provided by the regulations made under this Act.

(2) A Director, Chairperson or the Managing Director who is directly or indirectly concerned or is interested in any of the resolutions or decisions shall abstain himself from such discussion or decision when such subject matter is taken up for discussion or decision:

Provided that when the Chairperson is required to abstain as aforesaid, the meetings shall be chaired by any other Director to be appointed by majority in such meeting, when discussing or taking decision on such subject.

(3) The quorum required for transaction of the business at the meeting of the Board shall be three.

(4) In the event of equality of vote, the Chairperson shall have the casting vote.

(5) The meetings of the Board shall be presided over by the Chairperson and in his absence by a Director elected for the purpose by the Directors present from amongst themselves.

(6) No act or proceedings of the Board shall be invalid merely on the ground of existence of any vacancy in the Board.

(7) The minutes of every meeting of the Board, stating among other things, the names of the Directors present, shall be drawn up and recorded in a book to be kept for the purpose and shall be signed by the person presiding over the meeting and such book shall, at all reasonable times and without payment of any fee, be open for inspection to the Directors.

12. *Management and administration.*— (1) The management and administration of the Corporation and its affairs shall vest in the Board which may exercise all powers and do all acts which may be necessary for the purposes of this Act.

(2) The Board in discharge of its functions shall act after considering welfare of the public and commercial aspects and shall follow such

directions as the Government may give from time to time.

(3) If the Board fails to obey any directions mentioned in sub-section (2) or if the Board, its Managing Director or any Director contravenes the provisions of this Act or of the rules or regulations made thereunder or if the Managing Director or any Director is found guilty of misconduct, Government may remove all or any of the Directors or the Managing Director, as the case may be, and notwithstanding anything to the contrary contained in sections 5 and 6, appoint temporarily other persons in their place to be the Directors or the Managing Director, as the case may be, until new Directors are appointed in accordance with the provisions of section 5 or a new Managing Director is appointed in accordance with the provisions of section 6; provided that only the provisions of clauses (a), (b), (d) and (e) of sub-section (2) of section 6 shall apply to the person appointed temporarily under this sub-section to be the Managing Director.

(4) The Government may suspend the execution of any resolution or order of the Board as in the opinion of Government contravenes the provisions of this Act, the Rules and Regulations framed under this Act, or the directions mentioned in sub-section (2), or prohibit the doing of any act which is to be done or is being done in pursuance of such resolution or order, or if the act has been accomplished, order its rectification in such manner as may be directed.

13. *Submission of returns, statements, etc. to the Government.*— (1) The Government may require the Managing Director to furnish to it—

(a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Corporation; or

(b) a report on any such matter; or

(c) a copy of any document in his charge, and

the Managing Director shall comply with any such requisitions without any undue delay.

(2) The Managing Director shall prepare and submit a quarterly report to the Board.

14. *Power of Board to associate other persons.*— (1) The Board may associate with itself, in such manner, on such terms and for such period as it may deem fit, any person whose assistance or advice it may desire in carrying out any of the provisions of this Act.

(2) A person associated under sub-section (1) for any purpose shall have the right to take part in the discussion relating to such purpose in the meetings of the Board, but shall not have the right to vote, and shall not be deemed to be a Director for that or any other purpose.

15. *Functions of the Corporation.*— (1) The Corporation shall obtain mining leases/grants, prospecting licenses, etc. under the Mines and Mineral Development and Regulation Act, 1957 (Act 67 of 1957) and carry out all mining operations in accordance with the said Act.

(2) The Corporation shall also carry out mining operations for the State under MMDR Act.

(3) The Corporation shall carry out business relating to the mining dumps, transportation, extraction of ore, export of ore and mining rejects, slurries, tailings, etc. as may be directed by the Government from time to time. The Corporation shall also participate in the auction related to mining lease/prospecting licence as and when Government auctions such mining leases/prospecting licenses.

(4) The Corporation shall be entitled to enter into any contracts, agreements, memorandum of understandings, etc. for engaging entities for the purpose of carrying out mining operations as it may consider necessary or expedient or any other business connected therewith in accordance with this Act.

(5) The Corporation shall be entitled to publicly auction, sell the ore which is extracted or which may be otherwise required to be sold by the Corporation, on such terms and conditions as it may deem fit.

(6) The Corporation shall also carry out such other activities as may be directed by the Government from time to time.

16. *The authentication of orders and documents of the Corporation.*— All the permissions, orders, other documents of the Corporation shall be authenticated by the signature of the Managing Director or any other Officer authorized by the Corporation in this behalf. The Government may issue to the Corporation such general or special directions as to the Policy, as it may think necessary or expedient for the purpose of carrying out the purposes of this Act and the Corporation shall be bound to follow and act upon such directions.

17. *Application of Corporation's assets.*— All property, funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Act.

18. *Corporation's fund.*— (1) The Corporation shall have and maintain its own fund, to which shall be credited,—

(a) all monies received by the Corporation by way of grants, subventions, interest, profits, loans, advances or otherwise;

(b) all monies received by the Corporation from the mining business and other allied activities.

(c) all monies received by the Corporation by way of royalties, rents and profits, or in any other manner or from any other source including the proceeds of any loan authorized by section 20.

(2) The Corporation may keep in current or in deposit account with the State Bank of India or any other Public Sector Bank approved by the Government in this behalf such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be authorized by it by regulations made in this behalf.

19. *Grants, subventions, loans, advances and capital contribution to the Corporation.*— The Government may, after due appropriation made by the State Legislature by any law in this behalf, make such grants, subventions, loans and advances and capital contributions to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act; and all grants, subventions, loans, advances and capital contribution made shall be on such terms and conditions as the Government may determine.

20. *Power of the Corporation to borrow.*— The Corporation may, subject to such conditions as may be prescribed in this behalf borrow money in the open market or otherwise with a view to providing itself with adequate resources, subject to prior approval of the Government.

21. *Reserve and other funds.*— (1) The Corporation shall make provision for such reserve and other specially denominated funds as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the Government.

22. *Expenditure from funds.*— The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorised under this Act from and out of the general fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 21, as the case may be.

23. *Budget and programme of work.*— (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and detail as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that, all such variations and re-appropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the Government.

24. *Accounts and audit.*— (1) The Corporation shall maintain books of accounts and other books in relation to its business and transaction in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Government, in the prescribed manner.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof with a copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislative Assembly.

25. *Concurrent and special audit of accounts.*— (1) Notwithstanding anything contained in section 24, the Government may order that there shall be concurrent audit of the accounts of the Corporation by such persons as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transaction or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or

cause to be presented for audit such accounts and shall furnish the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

26. *Recovery of sums due to the Corporation as arrears of land revenue.*— All sums payable by any person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

27. *Dissolution of Corporation.*— (1) Where the Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved, so as to render the continued existence of the Corporation in the opinion of the Government unnecessary, the Government may by notification in the Official Gazette declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation, shall be deemed to be dissolved accordingly.

(2) From the said date,—

(a) all properties, funds and dues which are vested in, or realisable by the Corporation, shall vest in, or be realisable by, the Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

28. *Power to make rules.*— (1) The Government may, after consultation with the Corporation in regard to the matters concerning it, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) under clause (d) of sub-section (2) of section 5, the salary and allowances of the Managing Director of the Corporation;

(b) under section 18, the sums of money to be kept by the Corporation in Current and deposit accounts;

(c) under section 20, subject to prior approval of the Government;

(d) under section 23, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the Government and the form and manner of preparing such statement;

(e) under section 24, the form and manner of maintaining books and other books of accounts; and manner of auditing accounts;

(f) any other matter which has to be, or may be, prescribed by the rules.

29. *Power to make regulations.*— The Corporation may, with the previous approval of the Government, make regulations consistent with this Act and the rules made thereunder to carry out, the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for:—

(a) under section 18(3), the Officer of the Corporation who may operate its accounts;

(b) under section 28, the manner in which Government lands shall be dealt with by the Corporation after development.

30. *Rules and regulations to be published in the Official Gazette.*— All rules and regulations made under this Act shall be published in the Official Gazette.

31. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made there under.

32. *Notice to suit and limitation of suits against Corporation, Committees, Officers and servant for acts done in pursuance of execution of this Act.*— (1) No suit shall lie against the Corporation or against any committee

constituted under this Act, or against any Officer, or servant of the Corporation in respect of any act done in pursuance or execution or intending execution of this Act, or in respect of any alleged neglect, or default in the execution of this Act,—

(a) unless it is commenced within six months after the accrual of the cause of action; and

(b) until the expiration of two months after the notice in writing has been in the case of the Corporation or its Committee, delivered or left at the Corporation's office and in the case of an Officer or servant of Corporation, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the Corporation, be made from the Corporation funds.

33. *Members, officers and staff of Corporation to be public servants.*— All officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

34. *Power to remove doubts and difficulties.*— If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, by order, make provision or give such direction not inconsistent with the express provisions of this Act, as may appear to it to be necessary or expedient for the removal of doubt or difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the commencement of this Act.

Secretariat
Porvorim, Goa.
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CHOKHA RAM GARG
Secretary to the
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